

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

Stephen R. Ash

Serial No. 09/763,666

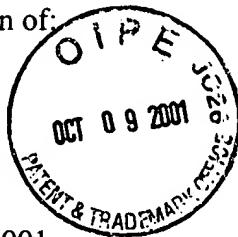
Filed: February 23, 2001

METHOD OF ENHANCING CATHETER
PATENCY USING A CITRATE SALT
CATHETER LOCK SOLUTION

Before the Examiner

Group Art Unit

October 4, 2001



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RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

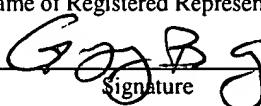
Honorable Commissioner of Patents
Washington, DC 20231

Sir:

In response to the Notice of Non-Compliant Amendment under 37 C.F.R 1.121 mailed September 5, 2001, please consider the following.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Honorable Commissioner for Patents, Washington, D.C. 20231 on October 4, 2001.

GREGORY B. COY
Name of Registered Representative

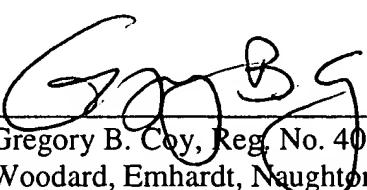

Signature

October 04, 2001
Date of Signature

Applicant submits that the requirement for resubmission of the preliminary amendment in compliance with revised 37 C.F.R. 1.121 in this case is improper and, in particular, that it would be improper to refuse entry of the originally proposed preliminary amendment dated February 23, 2001. In this regard, Applicant would draw the Examiner's attention to the informational flyer enclosed with the Notice, which states that, "Mandatory compliance with the revised rule is not required until March 1, 2001." Because the original preliminary amendment in this case was submitted before March 1, 2001, Applicant submits that the preliminary amendment cannot be refused.

Nevertheless, for purposes of expedience and convenience, and in order to moot this issue, Applicant submits herewith a replacement preliminary amendment. In this regard, enclosed is a corrected preliminary amendment identified as "Preliminary Amendment (Second Version)," which includes a clean version of the amended claims in compliance with revised 37 C.F.R 1.121. No fees are believed to be necessary. However, if any fees are deemed necessary, please charge said fees to Deposit Account No. 23-3030, but not to include the payment of any issue fees.

Respectfully submitted

By: 

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Changes to the Patent Rules

October 20, 2000

Volume 1, Issue 3

This is the third in a series of Patent News Bulletins to assist you in keeping up to date with significant rule changes which affect your area. Keep this copy to use as a bookmark for your present MPEP, or view this bulletin again on the USPTO Website.



Simplified Amendment Practice. Replacement paragraphs/sections/claims to be used. 37 CFR 1.121

The rule package "Changes to the Patent Business Goals - Final Rule," published in the Federal Register on September 8, 2000, 65 Fed. Reg. 54603 (Sept. 8, 2000), and the Official Gazette on September 19, 2000, 1238 Off. Gaz. Pat. Office 77 (September 19, 2000). The PBG rule package makes a number of revisions to Title 37.

The entire final rule may be found at the USPTO Website at <http://www.uspto.gov/web/offices/dcom/olla/pbg/index.html>.

Areas and individuals primarily affected by this rule change include:
(1) *Patent Examiners and Tech Support Staff in the Technology Centers*
(2) *Office of Patent Publication*

Any questions related to this change in practice should be directed to Joe Narcavage, Special Projects Extr. (703-305-1795) or Liz. Dougherty, Legal Advisor, (703-306-3156) OPLA.



Mandatory compliance with the revised rule is not required until March 1, 2001. It is suggested that applicants adopt the revised procedures on or after November 7, 2000, in order to adjust to the changes in amendment practice.

Under the new amendment practice, amendments to the specification must be made by the submission of clean new or replacement paragraph(s), section(s), specification, or claim(s). This practice will provide a specification (including claims) in clean, or substantially clean, form that can be effectively captured and converted by optical character recognition (OCR) scanning during the patent printing process.

The new practice requires applicant to provide, in addition to the clean version of a replacement paragraph/section/claim, a marked-up version using applicant's choice of a conventional marking system to indicate the changes, which will aid the examiner in identifying the changes that have been made. The marked-up version must be based on the previous version and indicate (by markings) how the previous version has been modified to produce the clean version submitted in the current amendment. The term "previous version" means the version of record in the application as originally filed or from a previously entered amendment.

The following format is suggested in an amendment paper: (1) a clean version of each replacement paragraph/section/claim with clear instructions for entry; (2) starting on a separate page, any remarks/arguments (37 CFR 1.111); and (3) starting on a separate page, a marked-up

*Amendment by
paragraph/claim
replacement in clean form.*

version entitled "Version with markings to show changes made."

Applicants will also be able to submit a clean set of all pending claims, consolidating all previous versions of pending claims from a series of separate amendments into a single clean version in a single amendment paper. This submission of a clean version of all of the pending claims will be construed as directing the cancellation of all previous versions of any pending claims. No marked-up version will be required to accompany the clean version where no changes other than the consolidation are being made.

The amended rule encourages issuance of applications with an examiner's amendment without practitioners/applicants having to file a formal amendment. Additions or deletions of subject matter in the specification, including the claims, may continue to be

made in an examiner's amendment at the time of allowance by instructions to make any change at a precise location in the specification or the claims. An examiner's amendment may incorporate a printed copy of a fax or e-mail amendment submitted by applicant. Only that part of the e-mail or fax directed to a clean version, or a portion of, a paragraph/claim to be added should be printed and attached to the examiner's amendment, with a paper copy of the entire e-mail or fax being entered in the file. The electronic version of the e-mail is not required to be saved once the printed e-mail (and any attachments) becomes part of the application file record.

MPEP 714+ & 1302.04